

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

L.C. Brown, Jr., # 275487,)	
a/k/a L.C. Brown,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No.: 1:11-cv-2472-TLW-TER
)	
Warden, Lieber Correctional Institution,)	
)	
Respondent.)	
_____)	

ORDER

On September 14, 2011, the petitioner, L.C. Brown, Jr. (“petitioner”), proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. # 21). The case was referred to United States Magistrate Judge Thomas E. Rogers, III pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. # 25). On December 19, 2011, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the District Court dismiss this Section 2254 petition as a successive Section 2254 petition under Rule 9 of the Rules Governing Section 2254 Proceedings, without requiring the respondent to file a return. (Doc. # 25). The petitioner filed a reply to the Report in which he indicates he does not object to the Report and asks that the Court dismiss his petition without prejudice. (Doc. # 31).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED**. (Doc. # 25). For the reasons articulated by the Magistrate Judge, this 28 U.S.C. § 2254 petition is **DISMISSED** without prejudice as a successive Section 2254 petition under Rule 9 of the Rules Governing Section 2254 Proceedings, without requiring the respondent to file a return.

The Court has reviewed this petition in accordance with Rule 11 of the Rules Governing Section 2254 Proceedings. The Court concludes that it is not appropriate to issue a certificate of appealability as to the issues raised herein. The petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

January 27, 2012
Florence, South Carolina